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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DAVID A. LOPARO,)	
Plaintiff,)	Civil Action No. 7:06-cv-00654
)	
v.)	<u>FINAL ORDER</u>
)	
UNNAMED DEFENDANTS, <u>et. al.</u> ,)	By: Hon. James C. Turk
Defendant(s).)	Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED and ORDERED

that this action, styled as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, but construed by the court as a civil rights action under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), shall be and hereby is **DISMISSED** without prejudice, pursuant to 28 U.S.C. §1915A(b)(1), for failure to state a claim, and is stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to plaintiff and to counsel of record for the defendant(s).

ENTER: This 20th day of November, 2006.

[Signature: James C. Turk]

Senior United States District Judge